

## **REMARKS**

### **Section 102 rejections**

The Examiner rejected claims 43-44 under 35 U.S.C. § 102(b) as being anticipated by Shigihara, U.S. Patent 6,249,140. Applicants respectfully traverse this rejection.

The Shigihara reference is specifically directed at **screening** a semiconductor laser device. This can be seen in many places in the Shigihara patent. For example, column 1, lines 9-12 and lines 54-57; column 4, lines 60-67. The screening is done by conducting endurance tests. The devices are subjected to multiple (over 80) temperature cycles, followed by a gradual raising of the drive current. (See Figure 1 of Shigihara). In contrast with the present invention, there is no disclosure of raising the drive current over the normal operating current in Shigihara.

Furthermore, the present invention is directed to burning-in, or **stabilizing** a device, not testing a device. Furthermore, Shigihara does not render claim 43 obvious. Shigihara discloses the use of hundreds of hours of testing (see Figure 2 and column 3, lines 51-60). In contrast, the present invention is directed to brief (in time) applications of current. Moreover, Shigihara discloses using a constant current for 20 cycles, followed by a slight increase in current to be used for another 20 cycles (see Figure 1). That teaches against claim 43, which claims an incremental amount of current being used with each application of current.

Therefore, applicants assert that Shigihara fails to disclose each and every feature of claim 43 of the present invention and also fails to render claim 43 obvious. Applicants respectfully request the removal of this rejection.

Because claim 44 depends from claim 43, Applicants assert that claim 44 is allowable as depending from an allowable independent claim.



Section 103 rejections

The Examiner rejected claims 45-48 under 35 U.S.C. § 103(a) as being unpatentable over Shighihara. Because claims 45-48 depend from claim 43, Applicants assert that claims 45-48 are allowable as depending from an allowable independent claim.

**CONCLUSION**

Based on the above comments, Applicants believe all claims now pending in the present application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If there are any additional charges related to this amendment, the Examiner is hereby authorized to charge to White & Case LLP Deposit Account 23-1703. Applicants thank the Examiner for carefully examining the present application and if a telephone conference would facilitate the prosecution of this application, the Examiner is invited to contact Tom DelRosario at (650) 213-0300.

Respectfully submitted,

Dated: February 1, 2005

By: 

Thomas V. DelRosario  
Reg. No. 46,658  
WHITE & CASE LLP  
1155 Avenue of the Americas  
New York, NY 10036  
(650) 213-0300